

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended) A method of monitoring the functionability of a brake lining (10, 12), comprising the following steps:

measuring a value that characterizes the dielectric constant of the lining material;  
comparing the measured value with a reference value for the new lining material; and  
determining the functionability when the measured value is within a specific tolerance range.

2. (currently amended) A method as claimed in claim 1, characterized in that the measured ~~characteristic value of the dielectric constant~~ is determined by a static capacitance measurement.

3. (Original) A method as claimed in claim 1 or 2, characterized by the further step of performing a conduction measurement.

4. (currently amended) A method as claimed in one of claims 1 to 2, characterized by the further step of providing a ~~brake lining (10, 12)~~ with at least two conductors (34, 36) located in the lining material.

5. (currently amended) A brake lining (10, 12) comprising:  
a lining material; and

at least two conductors (34, 36) arranged in the lining material in a way so that the conductors (34, 36) can be used to perform a capacitance measurement.

6. (currently amended) A brake lining (10, 12) as claimed in claim 5, wherein the lining material includes a braking surface, characterized in that the conductors (34, 36) are essentially arranged in a plane which is essentially parallel to the braking surface of the brake lining (10, 12).

7. (Original) A brake lining (10, 12) as claimed in claim 5 or 6, characterized in that the conductors (34, 36) are made of a foil material.

8. (currently amended) A brake lining (10, 12) as claimed in one of claims 5 to 6, wherein the brake lining comprises a brake lining material, characterized in that the conductors (34, 36) are imbedded in the brake lining material so that the brake lining material ~~layer~~ is present on both sides of the conductors (34, 36) in the wear direction of the brake lining (10, 12).

9. (currently amended) A brake (2) comprising:  
a brake lining (10, 12) comprising a brake lining material; and  
a brake lining monitoring device which is constructed so that it can determine the functionability of the brake lining (10, 12) on the basis of a change in the dielectric constant of the brake lining material.

10. (currently amended) A brake (2) comprising:  
a brake lining (10, 12) according to one of claims 5 or 6; and  
a brake lining monitoring device which is constructed so that it can determine the functionability of the brake lining (10, 12) on the basis of a change in the dielectric constant of the brake lining material, ~~characterized by the brake lining (10, 12) according to one of claims 5 to 6.~~

11. (Original) A brake (2) as claimed in claim 10, characterized in that the brake lining monitoring device comprises a resistance which, in conjunction with the capacitance emitted by the at least two conductors (34, 36) forms an oscillating circuit.

Claims 12-13: canceled.